IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 5th day of September 2005
Bail application no. 796 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Bali Chand @ Balai Chandra Banerjee
S/o Sri Nani Gopal Banerjee
R/o Mohalla Village Kundeshwari
P.S. Kashipur
District Udham Singh Nagar …Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of Case Crime No. 2317 of 2005
Under Sections 420 and 269 I.P.C.
P.S. Kashipur
District Udham Singh Nagar

By the court

Hon'ble B.C. Kandpal, J

The applicant has applied for bail in case crime No. 2317 of 2005 Under Sections 420 and 269 I.P.C., P.S. Kashipur, District Udham Singh Nagar.

Heard J.S. Virk, learned counsel for the applicants, learned A.G.A. and perused the record.

One of the co-accused in this case has filed the writ petition before this Court for quashing the proceedings pending before the court below and in that case, the Devision Bench of this Court vide judgment and order dated 24.08.2005 has observed that the case under Section 420 I.P.C. is not made out. The offence under Section 269 I.P.C. is a bailable one.

The applicant is in jail since 19th July, 2005 and there is no criminal history in the credit of the applicant.

Having considered, the aforesaid circumstances, it would be just and proper to release the applicant on bail at this stage.

Let the applicant, namely, Bali Chand @ Balai Chandra Banerjee be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

05.09.2005
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